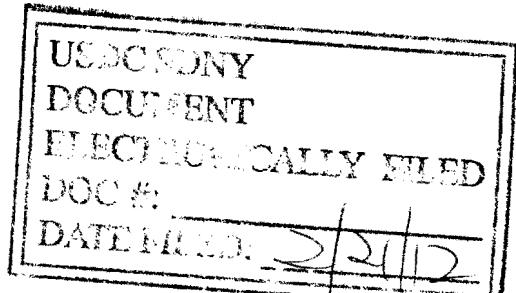


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
SECURITIES AND EXCHANGE COMMISSION, :
-----Plaintiff, :
-----v. :
-----VITESSE SEMICONDUCTOR CORPORATION, :
et al. :
-----Defendants. :

x

Case No. 10-cv-9239 (JSR)

ECF Case

**PROPOSED SECOND AMENDED
SCHEDULING ORDER**

JED S. RAKOFF, U.S.D.J.

Plaintiff Securities and Exchange Commission (“SEC”) and Defendants Louis Tomasetta (“Tomasetta”) and Eugene Hovanec (“Hovanec”) respectfully submit this Proposed Second Amended Scheduling Order. The Court earlier entered an order [Doc. 86] staying the trial and four depositions in this case following a motion by the United States Attorney. The trial in the parallel criminal action was continued and has now been reset to begin March 21, 2012. Based upon this continuance, the parties propose the following dates for the completion of the remaining discovery and pretrial proceedings in this case:

- July 2, 2012 (or 30 days after the conclusion of the criminal trial, if later): Defendants’ expert disclosures and responses to Plaintiffs’ Requests for Admissions;
- July 18, 2012 (or 6 weeks after conclusion of the criminal trial, if later): Last day to complete the depositions of Yatin Mody, Nicole Kaplan, Hovanec, Tomasetta, and any defense expert witnesses;
- August 14, 2012: Motions for Summary Judgment to be filed;
- August 29, 2012: Oppositions to Motions for Summary Judgment to be filed;
- September 4, 2012: Replies to Oppositions to Motions for Summary Judgment to be filed;

- September 11, 2012: Final pre-trial conference and hearing on Motions for Summary Judgment.

The parties ask the Court to enter an amended scheduling order reflecting the above agreed upon dates.

Respectfully submitted,

Dated: Washington, DC
February 17, 2012

SECURITIES AND EXCHANGE COMMISSION

By: /s/ Terence Healy
Terence M. Healy
Attorney for Plaintiff

Dated: Los Angeles, CA
February 17, 2012

MORRISON & FOERSTER LLP

By: /s/ Dan Marmalefsky
Dan Marmalefsky
Attorneys for Defendant
Louis R. Tomasetta

Dated: Los Angeles, CA
February 17, 2012

BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS & LINCENBERG, P.C.

By: /s/ Gary S. Lincenberg
Gary S. Lincenberg
Attorneys for Defendant
Eugene F Hovanec

SO ORDERED.

Dated: New York, NY

2/18, 2012


HON. JED S. RAKOFF
UNITED STATES DISTRICT JUDGE